

REMARKS

This amendment is submitted with a Request for Continued Examination and appropriate fee in response to the Office Action dated September 22, 2009.

Claims 7-10 and 12 currently stand rejected. Applicants have amended independent claims 7, 8, 10 and 12 for clarity. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

Claim Rejections - 35 USC §112

Claims 7 and 8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In this regard, the Office Action alleges that reference to “the identity tag” is indefinite since that are two instances where “an identity tag” is recited previously in each claim.

Applicants have amended claim 7 to cure the noted discrepancy. However, Applicants did not notice the same defect in claim 8. Accordingly, Applicants respectfully submit that the rejection of claim 7 is overcome, but also submit that the rejection of claim 8 should be withdrawn as being erroneous.

Claim Rejections - 35 USC §103

Claims 7-10 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads (U.S. Patent No. 7,565,294) in view of Beerman, Jr. et al. (U.S. Patent No. 6,084,952, hereinafter “Beerman”) and further in view of Wakabayashi (U.S. Patent No. 7,065,189).

Independent claims 7, 8 10 and 12 have been amended to clarify that the apparatus (claim 12) or object device (claims 7, 8 and 10) is associated with an object that, along with the apparatus (claim 12) or object device (claims 7, 8 and 10), is located in an environment in which the portable radio communication device is located. As such, independent claims 7, 8 10 and 12 more clearly indicate that the portable radio communication device is in an environment in which both the object that is associated with the object device and the object device itself are located.

Applicants had previously demonstrated that Beerman, fails to teach or suggest using an identity tag to obtain address information via a network much less using an identity tag to obtain

address information via the network and authorizing the downloading of information not otherwise addressed to any particular entity via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as set forth in the independent claims of the present application. The current Office Action attempts to cure this deficiency of Beerman by citing Rhoads and Wakabayashi.

Rhoads is directed to a system that enables a user to listen to content via radio and purchase a copy of the content by pressing a capture button. When the capture button is pressed while the content is playing, a wireless transmission is sent to a clearinghouse that is remotely located from the user and the user's radio device. The clearinghouse receives information identifying both the user and the desired content. The user is then charged for the content and the content is downloaded to a predetermined location associated with the user. Accordingly, Rhoads clearly relates to a clearinghouse that is remotely located from the user and any device of the user that might be correlated to the claimed portable radio communication device. Thus, Rhoads fails to teach or suggest that the apparatus (claim 12) or object device (claims 7, 8 and 10) is associated with an object that, along with the apparatus (claim 12) or object device (claims 7, 8 and 10), is located in an environment in which the portable radio communication device is located as set forth in the independent claims of the present application.

Beerman and Wakabayashi fail to cure this deficiency of Rhoads and are not cited as such. Moreover, Beerman relates to communication of electronic messages between a remote device and a messaging server while Wakabayashi relates to processing of voice mail messages by a voice mail apparatus that is connected to a network. Thus, both Beerman and Wakabayashi also fail to teach or suggest that the apparatus (claim 12) or object device (claims 7, 8 and 10) is associated with an object that, along with the apparatus (claim 12) or object device (claims 7, 8 and 10), is located in an environment in which the portable radio communication device is located as set forth in independent claims 7, 8 10 and 12.

Since Beerman, Rhoads and Wakabayashi each fail to teach or suggest that the apparatus (claim 12) or object device (claims 7, 8 and 10) is associated with an object that, along with the apparatus (claim 12) or object device (claims 7, 8 and 10), is located in an environment in which the portable radio communication device is located as set forth in independent claims 7, 8 10 and

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12, any combination of Beerman, Rhoads and Wakabayashi also fails to teach or suggest such feature. Thus independent claims 7, 8 10 and 12 are patentable over Beerman, Rhoads and Wakabayashi, alone or in combination. Dependent claim 9 depends directly from independent claim 8 and therefore includes all the recitations of independent claim 8. Thus, dependent claim 9 is patentable for at least those reasons given above for independent claim 8. Therefore, Applicants respectfully submit that the rejections of claims 7-10 and 12 are overcome.

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CONCLUSION

In view of the amendment and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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